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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,852	10/30/2003	Martin Weiss	20073	2851
23470 7590 03/01/2007 SRAM CORPORATION 1333 N. KINGSBURY, 4TH FLOOR CHICAGO, IL 60622			EXAMINER LUONG, VINH	
			ART UNIT 3682	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/01/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/605,852	Applicant(s) WEISS, MARTIN	
	Examiner Vinh T. Luong	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 5-14, 20 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18, 21, 22 and 25 is/are rejected.
- 7) ☒ Claim(s) 19, 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


Vinh T. Luong
Primary Examiner

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/19/06</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Attachment</u> . |

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1. The Amendment filed on December 14, 2006 has been entered.
2. Claims 1-3, 5-14, 20, and 24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 2, 2005.
3. The information disclosure statement filed December 14, 2006 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.
4. Claim 25 is objected to because of the following informalities: the claim has typographical or grammatical error, e.g., "traversing" should have been "traverses." Appropriate correction is required.
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 15-18, 21, 22, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita (US Patent No. 5,946,978).

Regarding claim 15, Yamashita teaches a control cable adjustment device 12 for adjusting a control cable 14b extending between a control mechanism 16 (FIG. 1) and an operating mechanism 18, the adjustment device comprising:

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an adjuster 40 rotatably connected to a housing 50 of the control mechanism 16 such that the adjuster 40 is axially movable relative to the housing 50 in response to rotation of the adjuster 40; and

a detent mechanism including a detent contour 80 (see Attachment hereinafter "Att.") extending along a radial interior surface (FIG. 7) of the adjuster 40 and a spring element 42 having at least one retention segment 95 (FIG. 10) and a support segment 93, the retention segment 95 of the spring element 42 engaging the detent contour 80 (*id.* col. 6, lines 53-64), the support segment 93 of the spring element 42 supported by the housing 50 (FIG. 4). *Ibid.*, claims 1-17.

Regarding claim 16, the detent contour 80 has a non-round cross section (FIG. 5) and is configured such that the retention segment 95 has freedom to deflect, the retention segment 95 is configured to extend substantially parallel with the control cable 14b extending through the adjuster 40 (see FIG. 3 in Att.).

Regarding claim 17, the detent contour 80 includes varying surfaces (FIG. 5) configured to engage the retention segment 95 such that rotation of the adjuster 40 in a first direction inherently requires a higher rotational force than rotation of the adjuster 40 in a second direction.

Regarding claim 18, the detent contour 80 has flutes or grooves 80 (see Att.) extending in an axial direction of the adjuster 40.

Regarding claim 21, the retention segment 95 and the support segment 93 of the spring element 42 are loaded primarily flexurally.

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Regarding claim 22, the adjuster 40 has a continuous periphery and a thread 78 for matingly engaging the housing 50, the detent contour 80 extends coaxially with the adjuster thread 78.

Regarding claim 25, the retention segment 95 deformably traverses along the detent contour 80 within the adjuster 40 (in order to engage either the same channel or another channel formed longitudinally along the threads 78 of the adjuster 40). *Ibid.* col. 6, lines 53-64.

7. Claims 19 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

9. Applicant's arguments filed December 14, 2006 have been fully considered but they are not persuasive.

Applicant contended:

In Yamashita, reference numeral 50 refers to a cable guide portion that is part of "a stationary or base member 30 which is fixed to the handlebar of the bicycle 10" by a clamp 44 (see specification at col. 3, lines 65-67 and col. 4, lines 10-12). Accordingly, the cable guide portion 50 is not axially moveable relative to the adjusting member 40 and is not rotatable as claimed in the claim 15.

The Examiner respectfully that as a matter of linguistic precision, the optional claim element (*e.g.*, "movable" or "rotatable") does not narrow claim, since it can always be omitted.

In re Johnston, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006). In fact, the optional term "movable" in

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claim 15 signifies that adjuster is movable *but is not structurally required to be moved* relative to the housing. See “discardable” in *Mathis v. Hydro Air Industries*, 1 USPQ2d 1513, 1527 (D.C. Calif. 1986), “crimpable” in *Application of Collier*, 158 USPQ 266 (CCPA 1968), “removable” in *In re Burke Inc.*, 22 USPQ2d 1368, 1372 (D.C. Calif. 1992), and “comparable” in *Ex parte Anderson*, 21 USPQ2d 1241, 1249 (BPAI 1992). Therefore, Applicant’s contentions based on the optional term “movable” or “rotatable” are not persuasive since this term does not positively require the adjuster to be moved/rotated.

Notwithstanding the above issue, Yamashita’s adjuster member 40 is movable/rotatable relative to the base member 50 in the same manner as Applicant’s adjuster member 1. Therefore, in this Office action, Yamashita’s member 40 is interpreted to be the adjuster member. In column 6, lines 53-64, Yamashita describes that the nose portion 95 of the spring 42 engages the channel 80 of the adjuster 40. Consequently, the nose 95 and the channel 80 of Yamashita “read on” the limitation “the retention segment of the spring element engaging the detent contour from within the adjuster” in amended claim 15. Consequently, amended claims 15-18, 21, 22, and 25 are unpatentable over the art of record.

For the foregoing, the Examiner respectfully submits that this application is not in the condition for allowance.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

February 26, 2007



Vinh T. Luong
Primary Examiner

ATTACHMENT

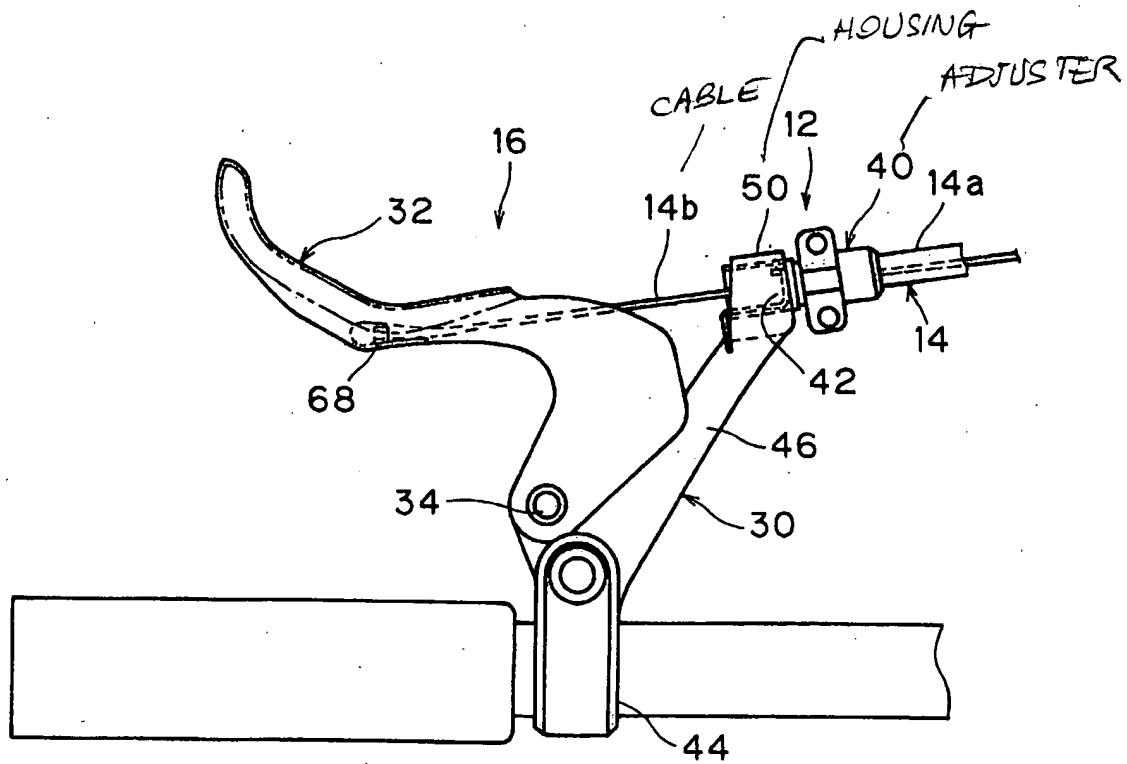


Fig. 3

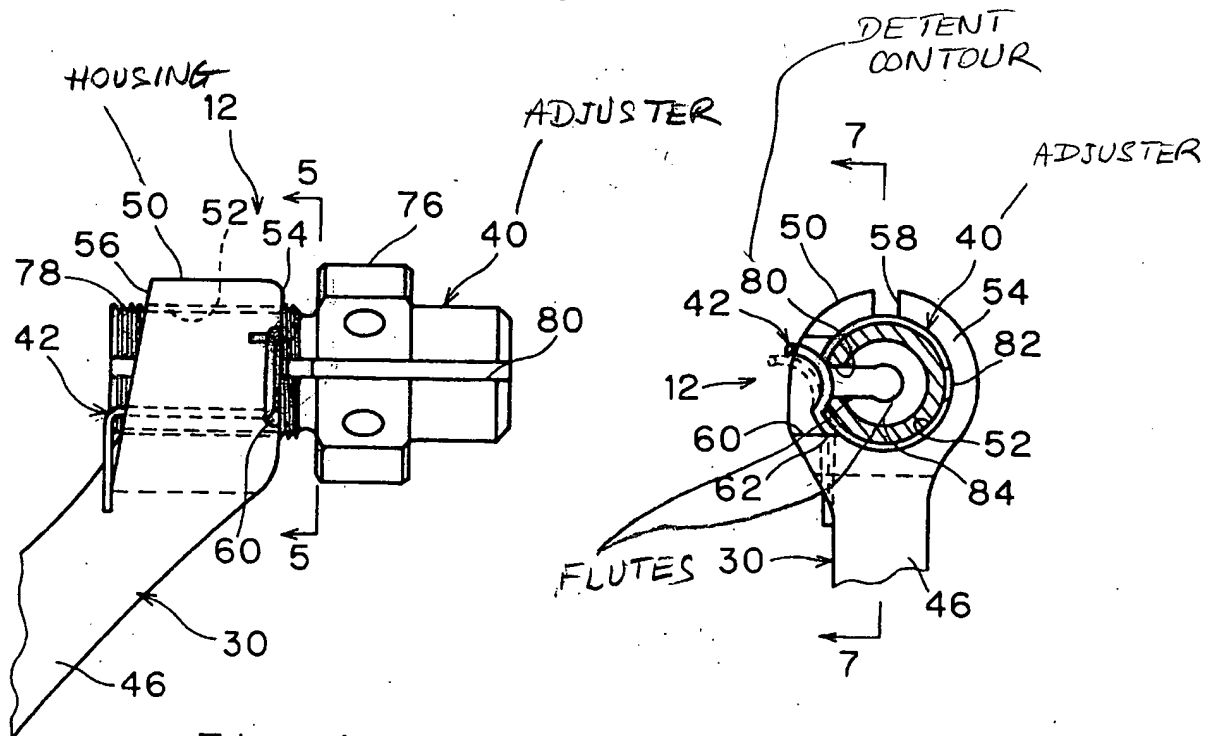


Fig. 5

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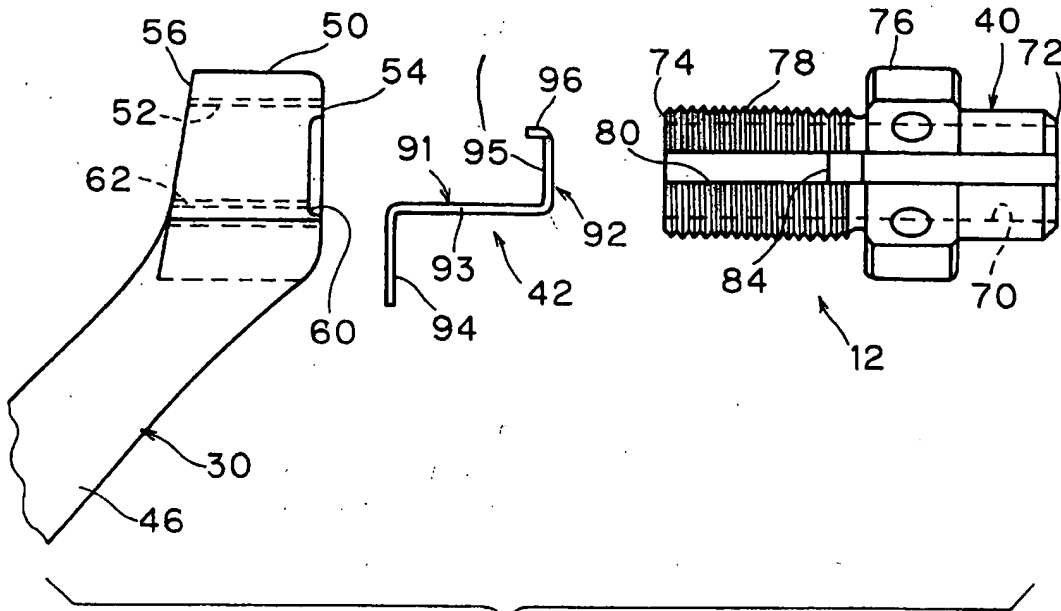


Fig. 6

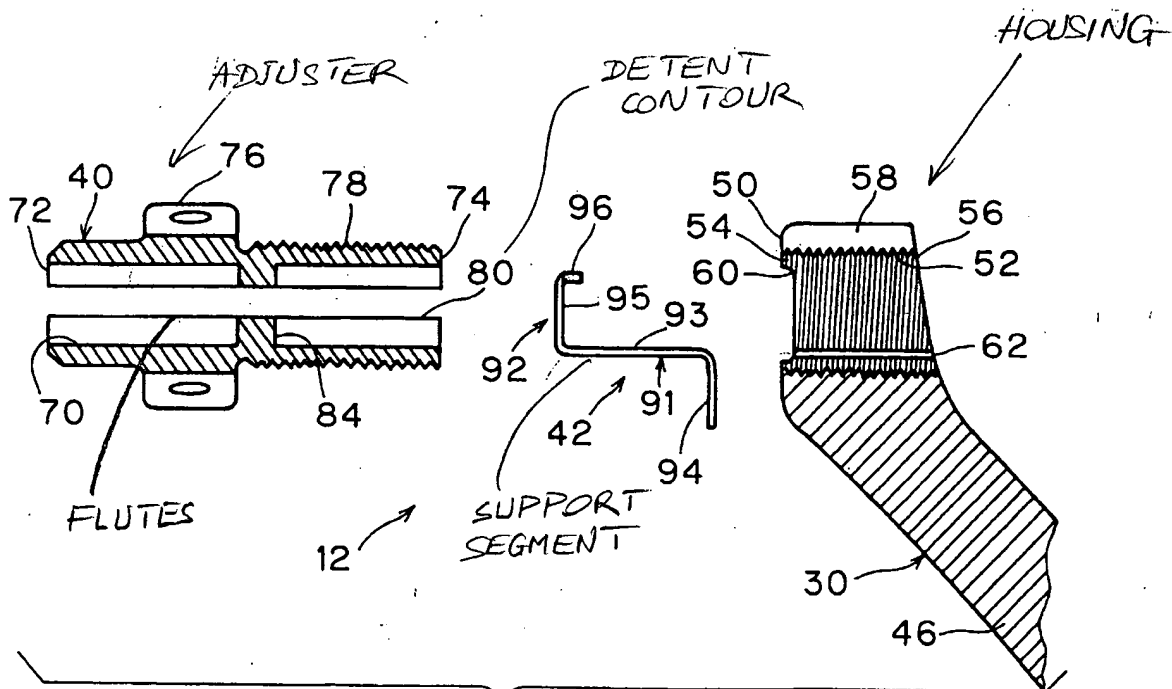


Fig. 7

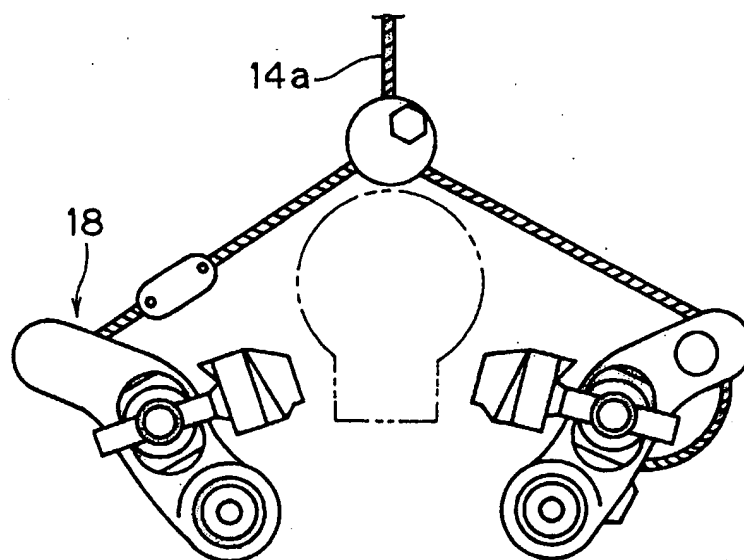


Fig. 8

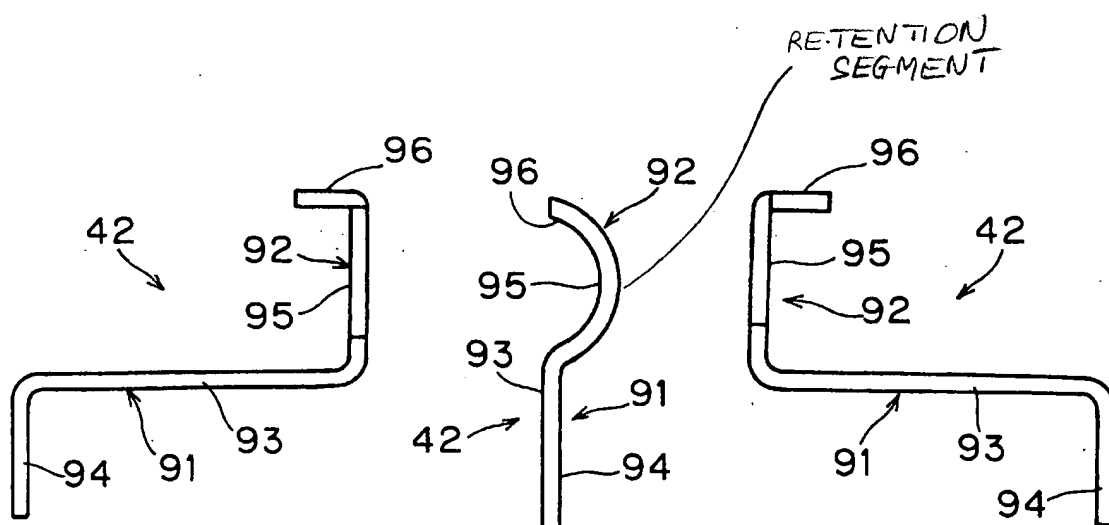


Fig. 9

Fig. 10

Fig. 11